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THE
ONTARIO WATER RESOURCES
COMMISSION

HOW PLANNING WORKS
IN
ONTARIO

AUGUST, 1969

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August, 1969

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Regional Services Planning Branch,
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1. INTRODUCTION

This brief will attempt to describe the set of activities which are normally referred to as "Planning" and show how these activities are carried out in the case of Ontario. Since any list of planning activities would fail both to completely circumscribe the interests of Planners and to identify the central responsibilities of Planners, such a list has not been made. Many planning texts describe the planning process, instead, as a synthesis of the following phases: the identification of long term and intermediate goals by means of planning legislation and policy statements, the gathering and analysis of facts concerning the planning task, the preparation of plans and programmes including public participation, and the implementation of the plans through administrative activity. This description of Planning is more apt since it relates closely to both the sequence of municipal and provincial planning activities, and to the present operations of the Commission.

In this chronological process of goal-setting, fact-gathering, plan-making, and plan-implementation the Commission presently operates in an advisory capacity only; that is, the Commission is required only to comment upon the above four activities when they take place. The power to take initiative and plan in Ontario rests with local governments and the people whom they represent, subject to approval of provincial government. In order to understand the planning process and the Commission's role in it one must understand the legal framework within which planning takes place. In fact, to understand this framework is to understand much of what planning is all about in Ontario. This will be the method used in this brief; to explain how the planning process has evolved from statute, legal interpretation, and custom and to show how the Commission can seek to advise and guide development if it so wishes.

2. ENABLING LEGISLATION

Section 92 of the British North America Act allocates certain specific areas of jurisdiction to the Provinces. Part 8 of this section enables the Provinces to establish Municipal Institutions. This has been done in Ontario largely under the Municipal Act and such Acts as The Regional Municipal of Ottawa-Carleton County Act. Part 16 of Section 92 allocates to the Province generally all matters of merely local or private nature. Since this is commonly held to include, among other things, Planning and land development, the Province has enacted a Planning Act to legitimate such activities. Although many other provincial statutes play a role in the local planning operation, their part in Planning is minor and supporting in relation to the Planning Act. It is the Minister of Municipal Affairs who administers the Municipal Act and the Planning Act and it is through his Department that the planning activities of other provincial government departments are co-ordinated. Although the Municipal Act delegates most powers conferred by the Province upon local municipalities and establishes the procedures for the exercising of these powers, several other Acts delegate additional authority and establish additional procedures which are used in Planning. Some of these Acts are:

The Ontario Water Resources Act;
The Public Health Act;
The Highway Improvement Act;
The Local Improvement Act;
The Municipal Drainage Act;
The Public Parks Act;
The Conservation Authorities Act;
The Assessment Act;
The Land Titles and Registry Acts; and,
The Ontario Municipal Board Act.

Hence, at the lower end of the spectrum of enabling legislation sits the municipal council which exercises by By-laws the powers conferred upon it by these statutes according to administrative procedures set out from time to time by the provincial ministries responsible for these Acts.

It is through this legislation, to a minor degree through common law, and interpretation by the courts, that planning is performed in the Province. Hence, a section-by-section review of the enabling legislation, The Planning Act, will be made in order to describe the planning process. The administration of The Planning Act is carried out largely by the Community Planning Branch of the Department of Municipal Affairs. The organization of this Branch reflects the major tasks of local Planners in this Province. One section deals with Official Plans and Zoning with groups of staff responsible for several districts covering the Province in much the same manner as the District Engineers in the Commission. A second section is responsible for subdivision applications and is organized in staff groups responsible for designated sectors of the Province. A third section provides guidance for Urban Renewal projects according to its own set of administrative boundaries. A fourth section, the Field Services section maintains staff in several centres outside Toronto to provide advice to local authorities.

In describing the process of land use planning at the local level the activities of councils and planning boards as prescribed by The Planning Act and administered by the Community Planning Branch will be described as they are set out in The Planning Act.

3. PLANNING BOARDS & PLANNING AREAS

Sections 2 to 9 prescribe the manner in which the planning process is initiated in local municipalities. The Minister of Municipal Affairs either upon his own initiative or upon application by the local council, may define and name a Planning Area, even if the area is without municipal organization. The Minister has similar powers with respect to joint planning areas (consisting of a group of municipalities, one of which must be "designated" as most responsible) and subsidiary planning areas (consisting of parts of larger planning areas). For example, in the case of Metro Toronto, the Metro Toronto Planning Area is a Joint Planning Area consisting of the municipalities of: Metropolitan Toronto, Ajax, Mississauga, Port Credit, Richmond Hill, Streetsville, Markham (Village), Pickering (Village), Stouffville, Woodbridge, Markham Twp., Pickering Twp., Toronto Gore, and Vaughan. The Municipality of Metropolitan Toronto is the "designated" municipality. Within this Joint Planning Area are a number of Subsidiary Planning Areas. These are:

Toronto City, the Boroughs of; Etobicoke, Scarborough, York, York East, and York North, and one subsidiary area for each of the municipalities belonging to the Joint Planning Area (except Metro). Following definition of the Planning Area, the local council shall appoint 4, 6, or 8 members plus the head of council (to serve on the Planning Board). In the case of a Joint Planning Board or a Board in unorganized territory, such appointments are subject to approval by the Minister, but in any case the elected (council) members of the Planning Board shall not constitute a majority on the Board. When the Board is constituted, it may appoint a Secretary-Treasurer (who may already be a member of the Board) who normally hires and/or heads up the planning staff.

This Planning Board along with the staff which it employs is a special purpose body which, along with other such bodies at the local level, is responsible to the local council for its expenditures and for action to implement its proposals. Planning Boards, although they are required to hold public meetings for specific purposes, are only indirectly (through Council) accountable to the public. To correct this apparent shortcoming, the Select Committee on the Municipal and Related Acts recommended that a committee of Council assume the duties of Planning Boards. This has been done in the case of the Regional Municipality of Ottawa-Carleton and may become more common in future.

4. OFFICIAL PLANS & THEIR EFFECT

Sections 10 to 14 prescribe how Planning Boards through their Councils create Official Plans and Sections 15 to 19 describe some of the powers which this document has. Section 10 of the Act in particular sets out those activities which Planning Boards are required to undertake. These are:

- (a) prepare maps, drawings, texts, etc. necessary for the solution of problems affecting development of the Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Planning Area;
- (c) consult with any local board having jurisdiction within the Planning Area;
- (d) prepare a plan for the planning area suitable for adoption as the official plan and recommend it to Council for adoption;
- (e) recommend from time to time to Council the implementation of features of the Plan; and,
- (f) review the Plan from time to time and recommend amendments to it to Council.

In addition, the Planning Board may undertake such other duties as Council refers to it. When the local Council adopts the Plan by By-law, the Plan is submitted to the Minister of Municipal Affairs and his Community Planning Branch, Official Plans Section, "processes" the Plan. Normally the Plan is circulated to all concerned government agencies for their comments. This includes the OWRC. If this processing turns up any requests for changes which the Branch considers important, the Minister will settle such modifications as far as possible to the satisfaction of all concerned, modify the Plan, and give the Plan his final approval.

Up to the time when a Plan is approved by the Minister, any person may request that the Plan or any part of the Plan be referred to the Ontario Municipal Board by the Minister for the hearing of arguments concerning the Plan. There are two unusual provisions in the Ontario Planning Act which do not normally appear in Canadian Planning legislation. First, the local Council, although able to initiate an amendment to an Official Plan, is unable to take the initiative in preparing the Plan itself. Only Planning Board can take initiative to prepare the Official Plan. Second, any citizen may request Council to initiate an amendment to the Official Plan and has a further privilege of requesting the Minister of Municipal Affairs to refer his proposal to the Ontario Municipal Board if Council does not bring forward his proposal properly. In 1967 Section 14(a) was added to the Planning Act stating that where the Minister defines a Planning Area and approves the appointment of a Planning Board in unorganized territory, the Minister shall be deemed to have all the powers and duties of a Council and of any officer of any council.

The question is often asked, "What effect does this plan have when it becomes official?" There are many legal effects of the Plan and a few of the major ones are listed:

1. When an Official Plan is in effect, no public work shall be undertaken that does not conform with the Plan. This, of course applies to all water supply and pollution control works as well as other public works.
2. When an Official Plan is in effect no By-law shall be passed for any purpose that does not conform with the Plan. Since Councils exercise their powers through By-laws, the Plan has a direct effect upon the powers vested in Council.
3. A municipality, with the Minister's approval, may acquire, hold, sell or lease land for the purpose of developing any feature of the Official Plan. This power is rarely used, however the Municipal Act (Section 5) confers a similar power upon the Municipality.
4. If a municipality has an Official Plan, Council by By-law may, with Minister's approval, designate a redevelopment area and acquire, hold, prepare, and sell the land, prepare a plan for redevelopment of the area, and improve, construct and sell buildings in the area. An Official Plan must exist before a redevelopment area can be created.
5. If a municipality has a zoning by-law, Council may by By-law appoint a Committee of Adjustment to authorize minor variances from the zoning by-law and to consent to conveyances of land provided that the Committee feels that a plan of subdivision is not necessary. Where there is an Official Plan in effect, the Committee must be of the opinion that the general intent and purpose of the Plan is maintained in granting the variance or consent.
6. Section 33 of the Planning Act empowers the Planning Board to restrain the contravention of any By-law that implements an Official Plan. In fact the Planning Board may even restrain the Council that created the Planning Board if the Council or local board attempts to pass a By-law or undertake a public work that does not conform with the Official Plan.

7. Plans of subdivision must be in conformity with the Official Plan before being approved.

Although the above legal authority and legal effects are common to all Plans in the Province, each local Plan takes its own form. In other words, no two Plans are alike in form. Most Plans do deal with a common core of subject matter which is located in that part of the published document which is the legal Plan itself. Quite often there will be an amount of introductory material such as an introduction, historical background, or a summary at the beginning of the document and an amount of background information at the end of the document in the form of appendices. Only the part in between is the legal Official Plan portion of the document and this is usually pointed out at the beginning of the document. A typical Plan such as the Proposed Official Plan of the Metropolitan Toronto Planning Area, dated April 1965 will be used as an example here even though this Plan is not as of this date Official (approved by the Minister). This document consists of three parts: Part I - Basis of the Plan, Part II - The Plan, and Part III - Appendix. To quote the introduction which preceeds these three parts, "Only Part II, which comprises both text and maps, is legally binding and constitutes the Official Plan of the Metropolitan Toronto Planning Area in the sense of Sections 11 (2) and 12 (2) of the Planning Act, requiring Provincial approval." Some plans, at the beginning, will include a letter of transmittal or resolution adopting the Plan from the Planning Board to the Council, a similar By-law adopting the Plan by Council, and a statement of approval of the Plan by the Minister of Municipal Affairs. If many of the intended readers of the Plan have no knowledge of planning, educational material may be included explaining what a Plan is, why the community needs it, and how it is to be used and implemented. This portion would also make clear where legislative responsibility for the Plan lies. The Proposed Plan for Metro Toronto includes in Part I (Basis of the Plan) sections on: "Basic Concept" including a map showing the development plan - general concept and an explanation of the major features of the concept plan; "Assumptions" including development concept, scope of plan, population and economic considerations, housing, transportation, sanitation, and parks; and "Objectives of the Plan" including statements of intent on general purposes, development, transportation, conservation, sanitation, and parks. Occasionally the document will include sections on the history of the community, its geography, economy, population, land use pattern, and regional context.

The most important part of the document - the legally binding Official Plan - usually appears next. This portion will set out in text, maps, and diagrams the policies, proposals, and standards for future development and redevelopment of the Planning Area. These policies and proposals are usually grouped into subject headings such as:

1. land use plan which indicates by text the location and type of land uses existing and designated in the planning area with a prescriptive section on each type of use (residential, commercial, industrial, institutional, open space, etc.) and maps showing existing land use and designated land use;

2. community facilities which indicates by text the size and number of such community facilities (structure and areas) as schools, hospitals, libraries, police and fire depots, civic centres, parks, playgrounds, churches, cemeteries, and cultural facilities, and on the designated land use map the approximate locations of these facilities;

3. circulation systems consisting of locations, standards, and often a separate map showing highways, transit routes, pedestrian facilities, rail and bus terminals, airports, ports, and off-street parking facilities;

4. utilities systems consisting of locations, standards, and often a separate map showing water supply, sewage disposal, storm water, other pollution control facilities, gas, electric, telephone, and refuse disposal systems;

5. civic design or aesthetic considerations including a presentation of specific design proposals often presented as attractive graphic renderings and general design criteria intended to preserve some unique characteristic of a particular district or of the whole planning area;

6. urban renewal requirements are set out indicating where existing measures are being taken, where further measures will be required in future. The nature of the renewal problems may be specified (whether maintenance or reconstruction is required) along with the proposed methods of implementing the renewal schemes.

7. conservation, environment, quality of services and other aesthetic considerations are occasionally enunciated by the more well-meaning municipalities which take pride in, and feel they can afford, something better.

8. specific local considerations which require special study such as an escarpment, a lakeshore, a major institution, or a special servicing problem.

In our example, the Metro Toronto Plan document, Part II, constitutes the Official Plan. Part II contains the principles and policies for the Planning Area under four subject headings: general development principles (urban development, rural development, land uses, maps, and schedule of permitted uses, population and density, housing); transportation (major facilities, public transportation, expressways, arterial roads, metropolitan roads, intermediate roads, standards, grade separations, parking); water supply and pollution control (urban areas, rural areas, storm drainage, air pollution); parks and open spaces (regional parks, golf courses, private recreational facilities). Part II also contains four maps: Map I shows the population size and expected density in each of the 23 planning districts in Metro and in the fringe areas; Map II, a major document in the Plan, shows designated or proposed land uses covering the entire Planning Area; Map III shows major transportation facilities in the Planning Area including rapid transit facilities, expressways, and major arterial roads; Map IV shows road right-of-way widths of all important roads in the Planning Area.

Finally, Part II contains a section titled "Administration of the Plan". The first item considered is interpretation and deals with boundaries, road alignments, local official plans, central area, and waterfront area. The second item considered is implementation and deals with capital program, by-laws, local development control, and determination of compliance of local development with the Plan. The third item considered is review and states that the Plan is to be up-dated at approximately 5-year intervals. The fourth item considered is amendment and states how the Metro and District Plans may be changed. The final item considered is appeal to the OMB which may be requested of the Minister of Municipal Affairs.

The concluding portion of the Plan document will include supplementary material explaining some features of the Plan, validating proposals of the Plan, providing highly technical or professional guidance, providing details of policies to be followed, and suggesting further planning studies and refinements to the Plan. The Metro Plan contains recommended standards for roads development, tabular summaries of existing and designated land use and population by Planning District and Municipality, and maps of existing land use (1963), population projected by minor planning districts, a water pollution control plan, a water supply plan, and a regional parks plan. In a later version of the proposed plan dated December, 1965, two volumes were produced; one dealing with the Plan itself, and one called "Supplement" containing all of the introductory and appendix material.

Although each Plan is different in form and content, all Plans in Ontario spring from the same statutes and most have a form similar to the one outlined here and contain material dealing with the topics discussed here.

5. DEVELOPMENT CONTROL & URBAN RENEWAL

Sections 20 to 29 of the Planning Act set out the statutory controls available to municipalities if they wish to actively guide urban development and redevelopment according to a rational Plan. Sections 20 to 25 deal with the special topic of redevelopment and Sections 26 to 29 deal with subdivision control and related controls.

Under Section 20 of the Planning Act any Council of a municipality which has an Official Plan in effect may by By-law, with the Minister's approval, designate all or part of the Planning Area as a "redevelopment area". In this redevelopment area, the municipality may acquire, hold, clear and grade the land, and may prepare and adopt by By-law a redevelopment plan which conforms with the Official Plan. In order to implement the redevelopment plan, the municipality may construct, improve, sell or lease buildings and sell or lease land in conformity with the redevelopment plan. In the period after designation of the redevelopment area and before a zoning by-law is passed in conformity with the redevelopment plan, (a period which is often quite long) anyone buying property previously acquired by the municipality must agree to use the property only in conformity with the redevelopment plan, (until a new zoning by-law is passed) but the municipality may, during the development of the plan, (with the Minister's approval) lease property to be used for any purpose whether or not conforming with the redevelopment plan for a term not exceeding 3 years at one time. Also, the municipality may make agreements with

provincial government agencies for making studies and carrying out redevelopment plans. The National Housing Act, Section 23, allows the Federal government to share the cost of renewal schemes with the local municipality. Up to 1/2 the cost of acquiring and clearing the land (including condemnation proceedings) will be contributed in return for an equal proportion of the revenue obtained from the property. Section 23A of this Act allows the Federal government to contribute up to 50% of the cost of preparing an urban renewal scheme. This grant is often accompanied by up to 25% of the cost of preparing the scheme contributed by the Provincial government (through Sections 21 and 22 of the Planning Act) leaving only 25% of the cost of preparing the scheme to the local municipality. Section 36 of the National Housing Act enables the Federal and Provincial governments jointly to share the cost of acquiring and developing land, and acquiring, constructing, or converting existing buildings. The capital cost and profits of the project must be shared 75% by CMHC and 25% by the Province. In addition, loans are available from the Federal government to assist the municipality in carrying out some of its part of the renewal scheme. In Ontario, urban renewal is handled by the Urban Renewal Section of the Community Planning Branch whose staff is divided into groups to serve different regions of the Province.

Section 26 of the Planning Act deals with subdivision control, part-lot control, and the deeming of registered plans to be not registered. The Council of a municipality may by By-law designate an area of subdivision control whereupon no one shall convey land in the area by deed or transfer on sale, mortgage or charge land in the area, or agree to sell, purchase or grant the use of any land unless the parcel is covered by a plan of subdivision, the vendor owns no other parcel touching the one being sold, the land is being disposed of or acquired by a government, or the consent of the committee of adjustment or the Minister is given to the conveyance, mortgage, charge, or agreement with respect to the land. This section is one of the most important in the Act in that it virtually forces anyone who wishes to sell off a part of their land to either go through the process of preparing a plan of subdivision or go through the committee of adjustment. Section 26 further allows a Council to "deem a plan deregistered" after notifying other owners in the plan if it is eight or more year old, should it become difficult to develop the land within it according to an out-dated design. Section 26 also allows Council by By-law to impose part-lot control on lands within a plan of subdivision so that no part of any lot or block may be conveyed, mortgaged, charged, or made subject to an agreement of sale or purchase unless the vendor owns no land abutting the part of the lot or block, the part of the lot or block is being acquired by a government, or the consent of the committee of adjustment or the Minister is obtained. The owner of the land affected must be notified. The part-lot control by-law is a similar but smaller version of the subdivision control by-law. The three types of By-laws mentioned here must be deposited with the Minister (where they are made available for public inspection), in the local Registry Office and in the local Land Titles Office (where these By-laws may also be seen). Section 27 provides that the Minister may exercise all the powers conferred upon a Council by Section 26 above where no subdivision control By-law is in effect. The Minister also is given all the powers of a Council with regard to zoning By-laws in an area not covered by a zoning By-law and does not need approval of the OMB, but if there is an Official Plan, his orders for zoning must conform with the Plan.

Section 28 prescribes the process to be followed in getting approval of a plan of subdivision. It is customary before submitting the proposed draft plan, to discuss certain matters with the local municipality such as:

1. a survey of physical and social conditions of the area likely to affect the plan;
2. conformity with the Official Plan or development policy of the municipality;
3. conformity with local By-laws especially zoning By-laws;
4. extension of necessary storm sanitary and water services to the land;
5. capacity for the plan in sewage, storm, water, road, school, etc. facilities;
6. satisfactory layout of roads and land uses within the plan.

If the proposal seems agreeable, then the owner, or someone authorized by him in writing, submits at least 12 copies of the proposed draft plan to the Minister with a letter requesting approval. This proposed draft plan shall have with it a certification of its boundaries by an O.L.S. and shall indicate:

1. location, widths and names of existing and proposed roads in and abutting the plan;
2. in a key plan of scale no less than one inch to 1000 feet, all of the land adjacent to the plan owned by the applicant or in which the applicant has an interest, the adjoining subdivisions and their relation to the plan, and the relationship of the boundaries of the plan to the boundaries of the township lot or other original grant of which the plan forms a part, within $\frac{1}{2}$ mile of the plan;
3. the purposes (including community facilities) for which the land is to be used;
4. the nature of the existing uses of adjoining land;
5. the approximate dimensions and layouts of the proposed lots;
6. natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps, wooded areas, and fire hazards;
7. availability and nature of domestic water supplies;
8. porosity of the soil;
9. contours and elevations necessary to determine drainage and road grades;
10. municipal services available; and,

11. the nature and extent of any restrictive covenants or easements affecting the plan.

In addition to the above requirements stated in Section 28(2) of the Planning Act, the Community Planning Branch, according to its manual of subdivision control, requires consideration of the following:

1. Access to site: if this is by road, the ownership and maintenance of the road must be stated, if by water, the mainland access and parking must be settled;
2. Amendments and Revision: these should be discussed and made known to the Community Planning Branch - if minor they can be effected by a Minister's condition of approval; major changes should be formally submitted to the Branch and will take the form of a revised plan;
3. Boundary of the site: this should be outlined in colour and should include enough measurements to permit comparison with adjacent properties; the boundary must be certified by an O.L.S.
4. Contours: enough information on the topography must be provided so that services can be designed; usually survey datum is available from the local authority or through a Geodetic Survey and should be used; contours and spot elevations should be extended beyond the boundary of the subdivision;
5. Easements, rights-of-way, restrictive covenants: when these are present their location, width, purpose and nature shall be shown on the draft plan or described; unopened road allowances should also be shown;
6. Final Grades: if the topography of the site is to be altered both the natural and final grades should be shown;
7. Garbage Disposal: the means, if any, available should be stated;
8. Land Use: the boundaries of different uses in the plan must be clearly shown along with those abutting the plan; lot widths and depths should be shown or described; municipal boundaries, if near, should be shown; and public open space, if to be created, must be shown with size, location, area, and means of access;
9. Railways, Airports, Limited Access Roads: the plan must show grades, topography and spot elevations sufficient to permit comparison with finished grades of plan; level crossings existing or proposed; number and type of trains using the track in a 24-hour period; peak hour volume of traffic on limited access road; airport flight patterns; and the number and type of aircraft using the runways;

10. Roads: the plan must show all existing and proposed new road allowances and all original road allowances especially those leading to a river or lake or along the bank of a river or lake; if original road allowance was created, it must be closed properly (by Minister and Cabinet under Municipal Act) before draft plan is approved if the allowance is to be used for lots; if a previously registered road allowance is present Council can widen, alter, divert, or stop up the road with approval of the Minister under the Municipal Act; both ownership and maintenance of roads leading to and within the plan must be stipulated and future responsibility for road maintenance must be settled.
11. Sanitary Sewage Disposal: the location of the nearest public sanitary sewer should be shown on the draft plan and a statement included whether sanitary wastes are treated before discharge to receiving waters; proposed sanitary services must be those intended to be installed and available for use at the time of building occupancies; if a sanitary sewer is to be constructed but not used due to lack of trunk sewers, pumping or treatment facilities, this must be clear from the application; any temporary sanitary sewage disposal system must be outlined in this case and the approximate time stated when the sewer system will be available for use; if a public sanitary waste disposal system is not immediately possible, the means of disposal and treatment shall be stated; the approximate location on each lot where individual treatment tanks, tile disposal beds, pit privies, etc., could be located shall be shown on the draft plan.
12. Schools: if required within the plan the site should be shown and the type of school shown; sites in surrounding area should be shown in key plan.
13. Soil: a statement, by a qualified person, about the nature and porosity of soils within the subdivision must be included with the application, the draft plan shall show the location of all test and bore holes made to determine the nature and porosity of the soil, the depth to ground water and bedrock levels, soil bearing capacity, availability of water supply; in addition, the results of such testing shall be included with the application;
14. Staging: sometimes it is planned that development of a plan of subdivision will take place over a number of months or years; the draft plan shall show, by outlines, the parts of the plan to be developed and the order in which development is planned.

15. Storm Water: the way in which surface water will be carried away and disposed of should be explained -- whether by open ditches or a municipal storm sewer; the location of existing public storm drainage systems should be shown on the draft plan; if a storm sewer is to be constructed but not used immediately due to lack of trunk sewer capacity or of an adequate outlet, this should be clear from the application; all temporary storm drainage systems should be shown and there should be a statement as to when it is expected that a proper system will be available for use.
16. Water Frontage: the plan must show; water's edge, flood limits, nature of shore, nature of soil beneath water, public access to water existing or proposed, and ownership of water lots.
17. Water Supply: the intended source of water supply for drinking and other purposes must be stated in the application; the intended ownership and responsibility for operation and maintenance of a water supply must be included; it must be clear whether filtration and treatment are to be carried out and under what responsibility; if the source is to be from ground water supplies (wells or springs), there must be information or an opinion from a qualified person that such a source exists, that there is adequate quantity and that it is of acceptable quality; the number and type of wells to serve the subdivision should be stated; if surface waters (lakes or rivers) are to be the source of water supply, the opinion of a qualified person about the quality of the water for domestic use is required; if more than 5 families are to be served by one well, approval of the Ontario Water Resources Commission must be obtained; if a private water supply system is provided, all lots in the plan will be required to be the same size as though a water system was not provided; this does not apply if the system is or will be assumed by the municipality.

Having received the proposed draft plan with the above information, the Community Planning Branch assesses the merits of the plan, providing that it appears to conform with the provisions of the Official Plan. The Department sends copies of every draft plan of subdivision to local municipal officials, departments of government, commissions, special authorities and others that may be affected by the proposed subdivision. They are requested to return their comments and recommendations as quickly as possible. The subdivider is notified by the Community Planning Branch that local authorities have been requested to study his plan of subdivision. It is at this stage that formal discussions between the subdivider and local authorities should take place about such matters as access, rate and density of development, availability of public services, school sites, public open space, etc. The last two items are important to settle as they affect the design of subdivision layouts. Section 28 of the Planning Act sets out some specific items which must be considered in studying the merit of a plan of subdivision. These include:

1. the health, safety, convenience and welfare of the future inhabitants;
2. whether the plan conforms with the Official Plan and with adjacent plans of subdivision;
3. whether the proposed subdivision is premature or necessary in the public interest;
4. the suitability of the land for the proposed use;
5. the adequacy of roads both in the plan and connected to the plan;
6. the dimensions and shape of lots;
7. the restrictions or proposed restrictions (includes zoning and building By-laws) to be placed on the plan;
8. the conservation of natural resources and flood control;
9. the adequacy of utilities, municipal services, and school sites;
10. the area of land, exclusive of roads, to be conveyed for public purposes.

When all comments and recommendations have been received, they are studied by Branch staff. A recommendation is then made for, or against, the approval of a plan of subdivision, together with appropriate conditions for each draft plan to be approved. These conditions of approval generally have three purposes; to provide that changes to the proposed layout are made such that government interests are satisfied, to give the local government authority to make binding agreements with subdividers to provide services, and to require that direct action be taken to satisfy the terms of approval of the draft plan.

When a draft plan is approved, a copy of the approved plan is sent to the owner, or his agent, with the conditions of draft approval. Copies of the notice of approval and of the conditions are also sent to all of the authorities consulted before approval.

When a draft plan has been approved, the owner may authorize the surveying of the plan, as approved, and the preparation of a final plan. He may also arrange to meet the conditions of draft approval, including agreements with the municipality and other agencies and authorities. All conditions to the approval of a draft plan of subdivision must be satisfied by work being done, conveyances and transfers made and agreements executed before a final plan of subdivision can be recommended to the Minister for approval. The owner or the municipality, if not satisfied with any of the Minister's conditions of approval, may require that these be referred to the Ontario Municipal Board for their decision on the imposition of the conditions.

Before the drawing of the final plan suitable for registration certain matters must be settled between the Minister and the subdivider.

1. Changes in a plan of subdivision

Changes to a plan of subdivision will be required by the Minister whenever the design concept is considered to be unsound, the proposed plan will make development of adjacent lands awkward or impossible, the plan encroaches on a flood plain, or the top of an embankment subject to possible erosion, the streets in the plan and adjacent properties are not aligned or create dangerous intersections, road and highway widenings are required, lot sizes and road widths are less than acceptable minimum standards, schools are required, public open space or other sites are required, and for other similar reasons.

2. Road Allowances -- Closing or Stopping Up

All original survey road allowances and those dedicated by previous registered plans of subdivision must be properly closed if they are to be included as part of the proposed lots in a plan of subdivision.

Some local by-laws to close up road allowances require the further approval of a County or District Judge, the Minister, or the Lieutenant Governor in Council before the allowances can be considered closed.

3. Road Allowances -- Dedication

All allowances for roads will normally be required to be dedicated for public highway purposes.

4. Road Allowances -- Minimum Widths

Except under special circumstances, all allowances for roads will be required to be a minimum width of 66 feet. Some may be wider and some, with local concurrence, may be less than 66 feet but not less than 50 feet.

5. Road Allowances -- Widening

Quite often widening of existing road and highway allowances and rights-of-way are necessary. If so, it is normal to require the dedication of such widenings. Whenever a road allowance in a plan of subdivision intersects a county road or provincial highway, the dedication of triangles to ensure clear sight lines will also be required. In the case of provincial highways, there is compensation for all dedications following registration of a plan of subdivision.

6. Reserves and Public Road Allowances

Reserves are strips of land, normally one foot wide, located either within or adjacent to the boundary of a road allowance for the purpose of controlling access to adjacent land either temporarily or permanently, especially if subdivision control is not in force.

If for permanent control, all reserves must be located immediately adjacent to but not within the boundary of the allowance. All reserves are normally required to be conveyed in fee simple to the municipality, except in the case of provincial highways, when they are conveyed in fee simple to the Department of Highways.

7. Land for Public Open Space

Five percent of the area of each residential or resort subdivision is normally required by the Minister to be conveyed to the Municipality for public open space purposes. Sometimes the parcel is not large enough or is not well located for public open space purposes. In such cases, an application may be made to the Minister for his authorization to permit a municipality to accept money, or land and money, to the value of 5 percent of the subdivision site immediately following approval of the draft plan. The money is deposited in a special account and must be used by the municipality to acquire land for park purposes unless the Minister approves of other uses.

The Minister's authorization is given only after he is satisfied that necessary public open space is available or is being provided, in the vicinity of a plan of subdivision, preferably in accordance with a municipal public open space program.

8. Approvals

When necessary, a condition will be made requiring direct evidence to the Minister of approval of proposed water supply, sanitary waste disposal and treatment and drainage systems or assurances that the location, size and shape of necessary school and public open space sites have been settled. There are other situations than these examples to which such a condition might apply.

9. Zoning By-laws

Especially in areas where zoning by-laws are not in force, subdividers are normally required to give to a municipality, in writing, a consent to the passing of an appropriate zoning by-law by the local council. In a number of cases, it may be a condition of draft approval that final approval of a plan of subdivision will depend on such a by-law being passed.

Where local zoning by-laws are in force, the provisions of the by-laws must be taken into account. The minimum standards of the Minister will prevail, however, in cases where public water or public sewers are not available.

Certain other matters must be settled between the municipality and the subdivider.

1. Changes in a plan of subdivision

In some cases, the Minister will set the general nature of changes to be made to a plan of subdivision and will require that the details of the changes be settled with the local planning staff.

2. Road Allowances -- Widening

It is not possible in all cases for the Minister to precisely set the boundary of necessary widenings due to curves, proposed cuts, fill or new grades, for example. In such cases, it is generally required that the boundaries be set to the satisfaction of the municipality.

3. Public Open Space

When a plan of subdivision does not include public open space and it is necessary, the location, size and shape are matters to be decided between the subdivider and the municipality.

4. Agreements

All of the conditions to approval of a draft plan of subdivision which can be done before approval of a final plan should be satisfied. All others should be the subject of one or more binding agreements between the municipality and the subdivider.

Before approval of a final plan, a letter is required to be sent to the branch from the municipality notifying that the conditions of draft approval have either been done or that agreements have been made with the subdivider.

These agreements normally are about such matters as: staging of development, municipal services and utilities, minimum road standards, minimum construction and material standards, conveyance of land or cash value in lieu, site grades, access to the site, oversize services, certain costs chargeable against a development, site plans, demolition or removal of existing buildings and construction buildings, liability, maintenance responsibility; assumption of services, utilities, roads, etc. by a municipality; necessary conservation measures not within the scope of a conservation authority; form and amount of bonding or other like assurances.

When the final plan of subdivision has been approved by the Minister, it may be registered and then construction may begin.

6. RESTRICTED AREA (ZONING) BY-LAWS

Section 30 of the Planning Act enables the Council of a municipality to pass a By-law: prohibiting the use of land or the erection and use of buildings for or except for purposes stated in the By-law within defined areas; prohibiting construction on land subject to flooding or unsuitable for construction because of its rocky, marshy, unstable nature or because of high cost of constructing satisfactory water works sewage or drainage facilities; and for regulating the cost or type of construction and the minimum frontage and depth of parcels and the proportion of the area of the parcel that the building may cover; to enforce the provision of off-street loading and parking facilities; and for the prohibiting of the establishment of pits or quarries. The text of the zoning by-law is usually accompanied by a set of street maps showing the land included in each zone. No zoning by-law can be perfect and there are always some non-conforming land uses such as a small industry in a residential area which, since they were in existence when the by-law was passed, are entitled to remain subject to certain conditions. Any zoning by-law may be amended to permit the enlargement of any non-conforming land or building provided that the land or building continues to be used for the same purpose as on the day the zoning by-law was first passed

(a legal non-conforming use). The zoning by-law, then, puts teeth and detail behind the Official Plan and constitutes a major tool in implementing the Plan. Where the Plan may only design the community in statistical terms and indicate the nature and location of facilities in symbolic terms, the zoning by-law provides detailed information on the uses to which individual properties will be put.

Section 30 of the Planning Act also outlines the procedure to be used in creating zoning By-laws. The local Council may pass a zoning by-law or an amendment thereto and must apply to the Ontario Municipal Board for approval of it. Council, upon passing the By-law, and before applying to the OMB for approval, must give notice of its intention to apply to the OMB for approval to the following people:

1. all land owners assessed within 400' of the area subject to application as shown on the last revised assessment roll,
2. Dept. of Municipal Affairs,
3. the secretary of every Planning Board in the area,
4. the secretary of every Conservation Authority in the area,
5. to DHO, if necessary,
6. to the County Clerk if necessary,
7. to the clerk of any local municipality adjoining the area subject to application as well as the secretary of the planning board and any land owners in the abutting local municipality,
8. to any person who has requested notice of application for approval, and to others as directed by the OMB.

allowing 14 days for filing of objections or changes to the proposed by-law with the Clerk before he applies to the OMB for approval. The OMB shall then hold a public hearing to hear the objections and merits of the proposed by-law and may then approve all or part of the by-law. However, where an Official Plan is in effect, and proper notice of application to the OMB for approval has been made, and no objections are filed with the Clerk, the by-law comes into effect without consideration by the OMB. Where objections are filed within the time limit, an OMB hearing must be held. Although proceedings to initially establish the zoning by-law are normally started by Council, any amendments to the zoning by-law must be initiated by individual property owners or their authorized agents. Hence one must own property to restrict its use by means of a zoning by-law.

7. COMMITTEES OF ADJUSTMENT

Sections 32(a) and 32(b) of the Planning Act provide for the establishment and powers of Committees of Adjustment. Since any zoning by-law passed under Section 30 is a detailed, exact, and inflexible document, governing each property owner according to a common set of rules, situations are bound to arise where unexpected hardships are encountered by these same property owners. To provide relief and flexibility in the implementation of a Plan and the enforcement of a zoning by-law some mechanism becomes necessary to deal with the individual who suffers hardship. Hence, if a municipality has passed a

zoning by-law under Section 30, the Council may by by-law create a Committee of Adjustment which will have the powers enumerated below:

1. Minor Variances:

The Committee, upon application of an owner, may authorize minor variances to a zoning by-law respecting the land, the building, the structure, or the use thereof, desirable for appropriate development so long as the general purposes of the by-law and Official Plan, if any, are maintained.

2. Extensions to Buildings Used for Purposes Prohibited by By-law:

Where land, building or structure was used for a purpose prohibited by the by-law when the by-law was passed and has continued to be used for this purpose, the Committee may permit the enlargement of the building or structure within the limits of the land owned and used for this purpose when the by-law was passed provided the land, building or structure continues to be used for the same purpose.

3. Changes in Prohibited Uses:

Where land, building, or structure was used for a purpose prohibited by the by-law when the by-law was passed and has continued to be used for this purpose, the Committee may permit a change of use of the land, building or structure for a purpose similar to the non-conforming use or more compatible with the uses permitted in the by-law.

4. Interpretation of Uses Defined in General Terms:

Where uses of land, buildings, or structures are defined in general terms in the by-law, the Committee may permit particular uses which it considers in conformity with the by-law.

5. Consent to Conveyance of Land in Area of Subdivision Control:

Upon application of the owner, or his agent, of land affected by a subdivision control by-law or other by-law under Section 26, the Committee may consent to a conveyance, mortgage, charge, or agreement, provided that a plan of subdivision is not necessary for the proper development of the land.

The Committee must hold its hearings in public, notify affected property owners, hear their objections, have consideration for generally the same factors considered in plans of subdivisions, and may exercise much the same powers in approving a consent as the Minister does in approving a plan of subdivision. This applies for example to lands required for road widenings, lot levies, and land or cash in lieu of land for the 5% dedication. Copies of decisions of the Committee are sent to the Minister, the applicant, persons appearing at the hearing or requesting notice and decisions may be appealed to the OMB by the applicant, the Minister, or any other person who has an interest in the matter. Hence the powers of the Committee are quite wide and flexible through its ability to hire staff, and impose conditions of approval on its decisions.

The OWRC is presently involved, in an advisory capacity, in only two (Official Plans, Subdivisions) of the four (incl. Zoning, Committee of Adjustment) methods of development control through the District Engineer's Branch of the Division of Sanitary Engineering. In the case of Official Plans, comments are prepared on the Plan when it is circulated by Department of Municipal Affairs staff. At this point, the Plan has been completed by local planning staff or consultant and adopted by by-law by the Local Council. Normally, if a serious shortcoming is revealed during this circulation of the Plan, the Minister of Municipal Affairs will settle upon a one-paragraph or one-sentence "modification" to the Plan and approve the Plan with this modification. A major shortcoming of this method of planning is the lack of consultation during the period when the Plan is under preparation by the local board or consultant. In the case of plans of subdivision, once again there is little consultation during the design of the subdivision and comments made during circulation before draft approval may only result in minor revisions to the layout. Occasionally, if the design is quite poor, a redesign and resubmission of the subdivision is made. This process of consultation unfortunately only discourages the worst design instead of encouraging the best.

No consultation presently takes place in the passage of zoning by-laws or Committee of Adjustment decisions even though a large amount of development, particularly of an industrial and higher density residential and commercial type, takes place without Official Plan or plan of Subdivision procedures.

8. BUILDING CODES, STANDARDS OF MAINTENANCE & OCCUPANCY,
SERVICE EASEMENTS, UNORGANIZED TERRITORIES, ONTARIO
MUNICIPAL BOARD

Section 31 of the Planning Act enables Councils to pass building by-laws concerning certain aspects of construction and design, viz.; size and strength of walls, grades of streets and levels of cellars, heating equipment, demolition of buildings, design of public buildings, provision of fire escapes, repairing and fireproofing walls, regulating installation of electric wiring, construction of chimneys, control of termites, and for the adoption of building codes such as the National Building Code in whole or in part. Under this section each municipal Council can pass by-laws adopting a building code which it thinks is appropriate. Hence we find that each municipality has adopted a different building code.

Section 30a deals with standards of maintenance and occupancy and says in part that where an Official Plan is in effect and contains provisions for housing conditions, the Council may pass a by-law subject to OMB approval for prescribing standards for maintenance and occupancy of residential property, for prohibiting the use of such residential property that does not conform to these standards, for requiring the repair and maintenance of residential property below such standards, and for requiring the land to be cleared of all buildings below such standards and left in a graded and levelled condition. Notice must be given and registered on title if the municipality wishes to force the owner to repair his property within a certain time, and a housing standards committee of 3 ratepayers must be set up to deal with owners who would be caused undue hardship if the by-law were rigidly enforced. The by-law would also provide for inspectors to enter on and inspect residential properties in order to determine compliance with the standards of maintenance and occupancy in the by-law. Section 30b enables Councils which have passed by-laws dealing with standards of maintenance and occupancy to also pass a by-law for the making of loans to owners who have been required to make repairs to or to demolish the building, and for the repayment of the loan with interest through municipal taxes.

The provision of easements to be used for providing sewer and water services and for other public services is not specifically dealt with in the Planning Act. However, the subject of the use of lands for public purposes is dealt with in a number of contexts in the Act:

1. In prescribing the form of the Official Plan, the Minister is to have regard to drainage and public services among other things. Section 2(7).
2. A municipality may acquire, hold, sell or lease land for the purpose of developing any feature of the Official Plan with the Minister's approval. Section 19.

3. In an area under a subdivision control by-law no person shall convey, mortgage or make an agreement affecting the use of land unless the federal, provincial or municipal government is acquiring or disposing of the land, or unless the land is included in a registered plan of subdivision. Section 26(1d).
4. Within a registered plan of subdivision covered by a part-lot control by-law, no part of any lot or block shall be conveyed mortgaged, or made subject to an agreement affecting use unless the federal, provincial, or municipal government is acquiring or disposing of the land. Section 26(3b).
5. The draft plan of subdivision submitted to the Minister shall indicate the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided. Section 28(21).
6. The Minister and those officials of municipalities, departments of the public service, commissions, authorities and any others who may be concerned, shall have regard to the health, safety, convenience, and welfare of the future inhabitants and to the restrictions or proposed restrictions, if any, on the land buildings and structures, and the restrictions on adjoining lands, and to the area of land that is to be conveyed for public purposes, exclusive of highways. Section 28(4f, j).
7. The Minister may impose, as a condition of draft approval, that land, not exceeding 5% of the subdivision, be conveyed to the municipality for public purposes, and that the owner of the land enter into agreements with the municipality dealing with the provision of municipal services. Section 28(5a, d).
8. The Minister may authorize the acceptance by the municipality of cash in lieu of the 5% of lands required to be conveyed as a condition of draft approval. Section 28(8).
9. The Committee of adjustment, when granting consent to a conveyance of land, is to consider the same matters as in item 6 above and may exercise the same powers of approval as in items 7 and 8 above and may require that any of its conditions be fulfilled before consent is given. Section 32b(9a).

Of particular interest here are three stipulations in the Act: first, drainage and services specifically are to be considered in the Official Plan, draft plans of subdivision and consents to conveyances of land; second, 5% of the land (or cash in lieu) in a plan of subdivision (and a consent) are to be conveyed to the municipality for public use (usually as park lands); and third, elaborate machinery is in operation to ensure the proper design and collection of these 5% lands through Ministerial and OMB approvals of Official Plans, plans of subdivision, and consents to conveyances of land.

Service easements are rarely given any attention in the Official Plan; in fact, sites for major service facilities are rarely designed and designated in the Plan. In draft plans of subdivision, the major sites for service facilities and trunk lines will become known only as the plan is designed and easements for the individual services to individual properties may only become known as the final plan is being drawn by the surveyor. Hence the planning for service sites and easements can be described as ad hoc or expedient at best.

The energies of Planning and Planners have been directed primarily at the problems of rapid urbanization in Ontario and have not, for example, been channeled into the fields of agriculture, social welfare, or resource development, pursuits which typically deal with the problems of rural areas. These problem areas have received only a superficial treatment in the provision of planning concepts and tools, by the insertion of several clauses in the Planning Act as follows:

1. In fact the first clause in the Act defines "Council" as the council of a municipality or the board of trustees of an improvement district. Section 1(a).
2. The Minister may include in a planning area any territory without municipal organization that adjoins the organized part of the planning area. Section 2(2).
3. "The Minister may define and name a planning area consisting of territory without municipal organization and may appoint a planning board for the planning area". Section 2(3).
4. Sections 10, 11, 12, 13 and 14 of the Planning Act set out the duties of Planning Boards, the procedure followed to create and adopt an Official Plan at the local and provincial levels, and the procedures for amendment and repeal of the Official Plan. For the purposes of these 5 sections, when a planning area is formed in unorganized territory, the Minister has all the powers and duties of a municipal council in that area. Section (14a).
5. The Minister may by order exercise any of the powers given to municipal councils by section 30 of the Planning Act to create zoning by-law controls where no such by-law is in existence. Where such an order exercising zoning control has been made, the Minister has all the powers of a Committee of Adjustment with respect to minor variances and non-conforming uses. The Minister may also exercise by order any of the powers conferred upon councils by Section 26; viz., subdivision control, deeming of registered plans, and part-lot control, in areas not covered by subdivision control. Any order made under Section 26 is to be registered in the Registry Office, or deposited in the Land Titles Office by the Minister. Section 27 (1,a,b,1a,3).

6. With regard to the 5% lands normally conveyed to the municipality, where the subdivision does not lie within a municipality, these lands are to be dedicated for public use as a condition of draft approval. Section 28(5a).

The Ontario Municipal Board is neither a court of law nor a government department, but an administrative tribunal created and empowered by a provincial statute, the Ontario Municipal Board Act. At present there are 14 members on the Board any two of whom may hear and adjudicate an application. Although the Board's decisions are final on matters within its jurisdiction, the Cabinet may confirm, vary, or rescind a decision or order a new hearing (Section 94) and a decision of the Board may be appealed to the Ontario Court of Appeals on a question of jurisdiction or law (Section 95). The more important powers and duties of the Board as delegated by the Act follow:

1. A municipality shall not authorize, exercise any of its powers to proceed with, or provide any moneys for any undertaking, the cost of which is to be raised in subsequent years or provided by the sale of debentures, until the approval of the OMB has first been given. Section 64(1).
2. The OMB, upon application by a municipality for approval of any undertakings involving the incurring of any debt, shall make appropriate inquiries into the nature and necessity of the undertaking, the financial position of the municipality, and the burden of taxation upon the ratepayers, before approving the undertaking. Section 62.
3. Where assent of the voters is required for a municipality to incur a debt, the OMB may dispense with the obtaining of such assent provided that notice is given to the ratepayers involved and objections are heard by the OMB at a public hearing. Section 63.
4. Where property has been expropriated, all claims for compensation may be heard and determined by the OMB, where the expropriating body applies to do so. Section 36(2).
5. The OMB may be required to undertake an investigation:
(a) by the Cabinet, the Assembly or a committee of the Assembly relating to a law or Bill concerning a municipality, a railway, or a public utility, (b) by the Cabinet relating to a municipality, a railway, or a public utility, (c) by the Cabinet relating to the establishment organization, reorganization, and methods of operation of municipalities, and (d) may direct any person to make an inquiry into any matter under jurisdiction of the OMB. Section 43-46.

6. The OMB has the power and general municipal jurisdiction:
 - (a) to approve the exercise of powers by a municipality involving the incurring of debt where required by law,
 - (b) to approve any by-law proposed by a municipality which requires such approval,
 - (c) to authorize the issue of debentures to pay any floating indebtedness incurred by a municipality,
 - (d) to authorize the issue of debentures to retire debentures issued by a municipality,
 - (e) to certify the validity of debentures,
 - (f) to direct that the assent of the electors first be obtained before incurring debt whether otherwise required by law or not,
 - (g) to supervise the expenditure of money borrowed by a municipality with approval of the OMB,
 - (h) to require financial or other statements from municipalities,
 - (i) to inquire, hold hearings, and investigate financial or other matters affecting the ability of a municipality to carry debt,
 - (j) to hear and settle disputes between two or more municipalities arising from joint agreements between such municipalities,
 - (k) and to hear and to confirm, vary or fix rates charged for water and sewage service where such service is supplied by one municipality to another.
Section 53.
7. The OMB has the power and jurisdiction to inquire into, hear, and determine matters regarding construction, maintenance, operation, contravention of regulations, failure to comply, or tolls charged in connection with a railway or public utility.
Section 70.
8. The OMB shall superintend the book-keeping of all railways and public utilities that are under the control of or operated by a municipality or a local board. The OMB may inquire into and report on whether any railway or public utility is operated so that its rates charged are sufficient to pay its debts, operation and maintenance charges.
Section 74.

The importance of the OMB to planning arises from its adjudicative and administrative activities connected with municipal by-laws implementing Official Plans, with private objections to public actions, and with the capital budgeting of local municipalities.

These statutes and the administrative procedures which have evolved around them have been central to the task of local planning in Ontario since the mid-forties. There has been much debate, however, in recent years regarding the changing nature of the problems facing Planners at the local level of government. It is commonly held that these problems are symptomatic of the "horse and buggy" form of present local government units and that reform is necessary if effective Planning as well as other functions are to be carried out at the local level. In response to this situation the provincial government has issued two policy statements regarding a regional development policy and local government reform entitled "Design for Development" and "Design for Development - Phase Two". The proposals contained in these policy statements follow:

DESIGN FOR DEVELOPMENT

1. To establish a Cabinet Committee with broad terms of reference responsible in part for the preparation and implementation of regional development plans.
2. To establish an Inter-Departmental Advisory Committee on regional development composed of senior civil servants to advise the Cabinet Committee and direct the Regional Advisory Boards (below).
3. To establish a Regional Advisory Board in each region composed of senior civil servants in the region to advise the Inter-Departmental Advisory Committee on Regional Development.
4. To reconstitute the Regional Development Associations as advisory citizen bodies, to be named Regional Development Councils.
5. To enlarge the Ontario Development Agency and name it the Ontario Development Corporation to assist in industrial development through loans for fixed capital.
6. To engage in comprehensive regional economic research through the Regional Development Branch (of the Department of Economics and Development)*, and to provide terms of reference for research to be contracted out to universities and consultants.

* - The Regional Development Branch is now part of the Department of Treasury and Economics.

7. To establish through research a basis for formulating development plans based on the concept of regional growth centres.
8. To establish a common system of administrative and planning regions among the operating departments of the provincial government.

DESIGN FOR DEVELOPMENT - PHASE TWO

1. To recommend a system of regional government units with the following characteristics:
 - (a) minimum size 150,000 - 200,000 and consolidation of municipalities below 8,000 - 10,000 population,
 - (b) region to cover both urban and rural areas,
 - (c) regions to be one or two-tiered depending on local circumstances,
 - (d) upper tier of two-tiered system to be given significant responsibilities,
 - (e) dispensing with certain special purpose bodies, returning their powers to the regional council,
 - (f) representation on regional council to be by population, and by either appointment or election in case of upper tier.
2. Implementation of these reforms to be in four stages in each designated region:
 - (a) consultation between the Province and municipalities in a region and studies to support a proposal,
 - (b) preparation and presentation of a proposal by the Province for the region,
 - (c) based on local reactions, drafting of a final proposal and legislation, and
 - (d) passage of legislation through the Assembly and establishment of the regional corporation.
3. The designated areas for regional government study are; Niagara, Ottawa-Carleton, east of Metro, north of Metro, Hamilton-Wentworth, Waterloo area, Brant area, Norfolk-Haldimand, Northern Ontario, Lakehead area, Muskoka district, and the Sudbury area.
4. In the two-tiered regional units there is to be a division of local government functions between the two tiers. It is expected that water supply, pollution control, and planning will be among the functions split between the two levels.

5. There appear to be at least two other underlying intentions within the regional program. First, the shortcomings of the present proliferation of local special purpose bodies (eg planning boards, local utilities commissions) has been cited. In an attempt to rectify this situation, a beginning has been made in the case of the Ottawa-Carleton County Region Act where, under Section 83, the regional council assumes all functions of a planning board. Second, the inadequacy of the system of performing some planning functions by the province is recognized. A first step in rectifying this situation has also been taken in the case of Ottawa-Carleton county where in Section 83(10) appears the statement "The (Cabinet) may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under the Planning Act." This could supposedly include powers to approve Official Plans, the acquisition of land, creation of redevelopment areas, the undertaking of urban renewal studies, draft and final subdivision plans, and sale of subdivision lands conveyed for public purposes, to name only some of the powers involved.

The Ontario Water Resources Commission is presently involved in the work of the Inter-Departmental Advisory Committee dealing with this regional government reform program and in the work of several committees working on individual regional studies.